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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,336	12/04/2001	Martin Rex Dorricott	450110-03699	6821
20999	7590	02/17/2006	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			VAN HANDEL, MICHAEL P	
			ART UNIT	PAPER NUMBER

2617

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/006,336	Applicant(s) DORRICOTT ET AL.	
	Examiner Michael Van Handel	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15, 16, 18, 19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15, 16, 18 and 19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims **15, 18** are rejected under 35 U.S.C. 101, because the claimed invention is directed to non-statutory subject matter. Claims 15, 18 are directed to computer software, but fail to specify the location of the computer program. See MPEP 2100.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims **1-13, 15, 16, 18, and 19** are rejected under 35 U.S.C. 102(e) as being anticipated by Kenyon et al.

Referring to claims **1, 3, 7-9, 12, and 13**, Kenyon et al. discloses a system/method for electronic media distribution, the system comprising:

- means for generating a plurality of media items, including audio and video items (col.

5, l. 11-19)(Fig. 4);

- a database for storing a respective metadata item containing metadata relating to the generation of the corresponding media item, including copyright and/or ownership of the corresponding media item (col. 4, l. 50-67)(col. 7, l. 66-67 & col. 8, l. 1);
- means for electronically distributing at least some of the media items to a plurality of end-users (col. 5, l. 36-56);
- means for detecting reception by the end-users of the media items, and for detecting the copyright and/or ownership metadata relating to media items actually distributed to end-users (col. 6, l. 42-45)(col. 7, l. 4-7); and
- means for associating, with each metadata item relating to an electronically distributed media item, a reception indicator indicative of the number of users receiving that media item, and for generating payment information indicative of a required payment to the holder of rights defined by the copyright and/or ownership metadata (col. 5, l. 36-56)(col. 6, l. 65-67 & col. 7, l. 1-19)(Fig. 6).

Referring to claim 2, Kenyon et al. discloses a system according to claim 1, in which the metadata item contains at least metadata relating to the planning or commissioning of the media item (col. 4, l. 61-67 & col. 5, l. 10)(Fig. 5).

Referring to claims 4, 5, 10, and 11, Kenyon et al. discloses a system according to claims 1 and 7, respectively, comprising means for associating a material identifying code (content identification) 504 with each media item for electronic distribution, the material identifying code being mapped, in the data repository, to the copyright and/or ownership metadata (col. 5, l. 5-7)(Fig. 5), and a means for receiving the material identifying codes of media items received by end-users (col. 6, l. 42-46)(Fig. 6).

Referring to claim 6, Kenyon et al. discloses a system according to claim 5, in which the receiving means comprises a modem link to the end users' receiving apparatus (col. 6, l. 57-60).

Referring to claims 15 and 18, Kenyon et al. discloses computer software, comprising program code for carrying out a method according to claims 12 and 13, respectively, since the apparatus of Kenyon et al. is controlled by computer software.

Referring to claims 16 and 19, Kenyon et al. discloses a medium by which software according to claims 15 and 18, respectively, is stored or transmitted (this limitation is met by the citations noted in the rejection of claim 1 above).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ginter et al. discloses systems and methods for secure transaction management and electronic rights protection.

Chiu et al. discloses a database-independent, scalable, object-oriented architecture and API for managing digital multimedia assets.

Rose et al. discloses a computerized multimedia asset management system.

Lafer et al. discloses a method and system for managing multimedia assets for proper deployment on interactive networks.

Loveman et al. discloses a multimedia system with improved data management mechanisms.

Gordon et al. discloses a system for managing the addition/deletion of media assets within a network based on usage and media asset metadata.

Geddes et al. discloses a workflow process for managing digital broadcast program production.

Mohan et al. discloses a method for describing media assets for their management.

Stefik et al. discloses a system for controlling the distribution and use of digital works having a fee reporting mechanism.

Downs et al. discloses an electronic delivery system for securely providing data to a user's system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571.272.5968. The examiner can normally be reached on Monday-Friday, 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571.272.7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2617

Michael Van Handel

Examiner

Art Unit 2617

MVH

A handwritten signature in black ink, appearing to read 'Vivek Srivastava', with a long horizontal flourish extending to the right.

VIVEK SRIVASTAVA
PRIMARY EXAMINER